

March 19, 1976

Now I'm going to announce my ruling and then give a very short explanation. I'm going to sustain the point of order of Senator Chambers. First of all, this has nothing to do with the subject matter discussed by Senator Schmit. His remarks here this morning were very sincere in his efforts to compromise the very difficult bill before the House. I'm sure that he's been successful in accomplishing these compromises. My ruling and your discussion shouldn't have anything to do that. This has to do with whether or not you can gut a bill on Select File, LB 434, and insert a bill which has not passed over General File in its entirety and whether or not that violates the spirit of the legislative process and whether, specifically, it violates the rule (d) of Section 3, Rule 7, which states: "No motion, proposition or subject matter different from that under consideration shall be admitted under color of amendment". The Chair is sympathetic with Senator Schmit because 703 has stayed on General File for a long time. But it is the Chair's position that that problem must be resolved in the normal fashion and must be carried across as all other bills are on General File, and that this amendment is different from the purpose of LB 434, therefore, you cannot do, indirectly, what cannot be done directly. Therefore, the Chair does sustain the point of order. Its ruling is that your motion is out of order, Senator Schmit.

Now I've got lights on. I wasn't paying attention to the board as far as being heard on this proposition. First of all indulge me. I would like to call upon Senator DeCamp or Schmit to see if they'd like to appeal my ruling before anything else transpires? Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature. I'm going to resort to describing what has happened by custom in the body which you are all familiar with. That custom has been to prevent amendments on a bill when those amendments contain or keep the rest of the bill and the amendments are not germane. So it would be completely inappropriate if we were to try to retain the original bill and, in addition, insert this bill. That has been upheld repeatedly. By the same token....

PRESIDENT: Excuse me. Are you appealing the ruling?

SENATOR DeCAMP: Yes.

PRESIDENT: OK, alright. So that the record will be clear you're appealing the ruling?

SENATOR DeCAMP: Yes.

PRESIDENT: Alright now the Chair recognizes you for purposes of arguing your appeal. OK.

SENATOR DeCAMP: By the same token custom and practice on this floor has been when 25 members agree to it that you can strip a bill if you remove all the subject matter and substitute a different bill. Probably the classic example of this particular thing being done, not once but, on re-